

AMENDMENT IN THE DRAWINGS

The drawings have been amended at Figures 2 and 5 to include element “30” to indicate the web portion of the engagement member “22”. A replacement sheet is attached herewith.

REMARKS

1. Claims 1, 2, 4, 7, 8, 11, 12, and 13 are currently pending. Claims 3, 5, 6, 9, 10 are canceled.
2. Amendment to the specification at paragraph [0012] to specify the form engagement member 22 being fixedly attached at web 30 to the handle 16 is supported in the drawings at Figures 1-5, where is clearly shown the engagement member 22 is attached to the handle 16 in a fixed manner such that the engagement member 22 does not pivot or rotate about the handle 16 and moves with the handle 16 as a whole body, as such no new matter is introduced.
3. Amendment to the specification at paragraph [0012] to specify “the web 30 extends transversely from the handle 16 in a plane perpendicular to the longitudinal axis of the handle and terminates at a depending hooked end 28.”, is supported in the drawings at Figures 1-5, as such no new matter is introduced.
4. Amendment to the specification at paragraph [0012] to specify “Web 30 is attached to the handle 16 approximate end 14 across the entire width of the web. Hooked end 28 extends beyond the sidewall of the handle 18 and is adapted to engage with the concrete form 12 during removal thereof from the concrete structure 14. The hooked end 28 tapers from wide to narrow in a direction away from the web 30 to help facilitate

engagement of the tool 10 with the form 12.”, is supported in the drawings at Figures 1-5, as such no new matter is introduced.

5. Amendment to the specification at paragraph [0015] to specify the hooked end 28 to be inwardly curved in a direction toward the handle is supported in the drawings at Figure 5, as such no new matter is introduced.

6. The drawings are amended at Figures 2 and 5 to include element “30” to indicate the web portion of the engagement member “22”. A replacement sheet is attached herewith.

7. The rejection of claims 1-10 as being unpatentable under 35 USC 102(b) over Patti (USPN 5,769,395) is respectfully traversed and reconsideration is requested.

Claim 1 as recited and amended above calls for an elongated handle having a first and a second end; and a form engagement member including a web having a depending hooked end, said form engagement member being fixedly attached to said handle at said web, such that said web extends transversely therefrom and said hooked end is positioned away from said handle said hooked end tapering from wide to narrow in a direction away from said web, and is adapted to engage said form in a manner such that said handle is initially positioned parallel to said concrete structure from which said form is to be pulled

from and such that when said handle is pulled upon in a direction away from said concrete structure said form is pulled therefrom.

Patti does not disclose a form engagement member including a web having a depending hooked end which tapers from wide to narrow in a direction away from the web and which is fixedly attached to the handle to be unitary with the handle. Patti discloses a "T-Shaped" member "5" pivotally attached to one end of an elongated handle "1" as shown for example in Figure 1 at element "21" and at column 2, lines 24-35. Further, the "T-Shaped" member "5" does not include a tapered hooked end which tapers from wide to narrow in a direction away from the web. As such, Patti does not anticipate the form removal tool as recited in claim 1 and the withdrawal of the rejection of claim 1 under 35 USC 102(b) over Patti is respectfully requested.

Claims 2, 4, 11, and 12 as recited above add additional features to independent claim 1, and thus are submitted to be a-fortiori patentable.

Claim 7 as recited and amended above calls for a tool handle having a first and a second end; a form engagement member including a web having a depending hooked end, said form engagement member being fixedly attached to said handle approximate said second end at said web, such that said web extends transversely therefrom and said hooked end is positioned away from said handle; and said hooked end tapering from wide to narrow in a direction away from said web, and being curved inwardly in a direction toward said handle wherein said hooked end is adapted for engagement with said form in

a manner such that said handle is initially positioned parallel to said concrete structure from which said form is to be pulled from and such that when said handle is pulled upon in a direction away from said concrete structure said form is pulled therefrom.

Patti does not disclose a form engagement member including web having a depending hooked end which tapers from wide to narrow in a direction away from the web, which is fixedly attached to the handle to be unitary with the handle, and which is curved inwardly in a direction towards the handle. Patti discloses a "T-Shaped" member "5" pivotally attached to one end of an elongated handle "1" as shown for example in Figure 1 at element "21" and at column 2, lines 24-35. Further, the "T-Shaped" member "5" does not include a tapered hooked end which tapers from wide to narrow in a direction way from the web and which is curved inwardly in a direction towards the handle. As such, Patti does not anticipate the form removal tool as recited in claim 7 and the withdrawal of the rejection of claim 7 under 35 USC 102(b) over Patti is respectfully requested.

Claims 8 and 13 as recited above add additional features to independent claim 7, and thus are submitted to be a-fortiori patentable.

8. In view of the above, it is respectfully submitted that:

Claims 1, 2, 4, 7, 8, 11, 12, and 13 recite distinctions that are of patentable merit under 35 USC 102(b) for the independent claims and thus for each dependent claim as

well. Claims 1, 2, 4, 7, 8, 11, 12, and 13 are in condition for allowance. Reconsideration and withdrawal of the rejections are requested. Allowance of claims 1, 2, 4, 7, 8, 11, 12, and 13 at an early date is solicited.

The Examiner is hereby requested to telephone the undersigned agent of record at 727-538-4144 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,

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